ORDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

W/S Susanne Court, 1,163' N of

Carolyn Court

(3020 Susanne Court) 4th Election District 3rd Councilmanic District

Worthington Woodsyde LLC

Petitioner

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 96-30-A

4

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3020 Susanne Court, located in the vicinity of Park Heights Avenue in Reisterstown. The Petition was filed by the owners of the property, Worthington Woodsyde LLC, and the Contract Purchasers, Dr. Michael Karpa, and his wife, Julie Karpa. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 47 feet in lieu of the required 50 feet and to amend the Final Development Plan for Worthington Woodsyde for a proposed single family dwelling. The subject property and relief sought are more particularly described on the site plan which was submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Benjamin Bronstein, Esquire, attorney for the Petitioners, Dr. Michael Karpa, Contract Purchaser, and Wayne Black, a representative of NV Homes, Builder. There were no Protestants at the hearing.

Testimony and evidence offered revealed that the subject property consists of 1.20 acres, more or less, zoned R.C. 5 and is presently unimproved. The Petitioners are desirous of developing the property with a single family dwelling; however, due to the steep topography of the lot

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and its location on a cul-de-sac, the requested variance is necessary in order to situate the proposed dwelling at an angle to properly face the road. In addition, the subject lot is rectangular in shape which further restricts development of the property.

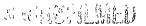
The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of <u>Cromwell v. Ward</u>, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of



ORDER RECEIVED FOR FILING
Date
By

this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must

ORDER RECEIVED FOR FILING

be satisfied by the Petition, as enunciated in <u>Anderson</u>, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

<u>Anderson</u>, p. 39. See also <u>McLean v. Soley</u>, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of September, 1995 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 47 feet in

lieu of the required 50 feet and to amend the Final Development Plan for Worthington Woodsyde for a proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date
By

MICROFILMED

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 19, 1995

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

W/S Susanne Court, 1,163' N of Carolyn Court

(3020 Susanne Court)

4th Election District - 3rd Councilmanic District

Worthington Woodsyde LLC - Petitioner

Case No. 96-30-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

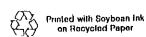
cc: Mr. Louis J. Breitenother, Jr., c/o Worthington Woodsyde LLC 10817 Reisterstown Road, Owings Mills, Md. 21117

Dr. & Mrs. Michael Karpa 2 Harness Court, Apt. 101, Baltimore, Md. 21208

Mr. Wayne Black, c/o NV Homes

421 Maureen Lane, Severna Park, Md. 21146

People's Counsel Case File





ing Commissioner of Baltimore (

for the property located at

SUSANNE COURT

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1-A04.3

The Variance is Requested to USE 47 foot side set backs instead of 57 feat And to Amend the Fiver Development Plan.

Of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Reasons @ Design of House
@ Topsopaphy of LAND
@ Any Evidence to be presented at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	. '	1/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
	Contract Purchaser/Lessee:	Legal Owner(s):
	Dr Michael + Julie Karpa	Worthington Woodsyde LLC
	Michael Kapa in Will all por	Trype or Indint Namey Signature
Phone 410 602-8722	2-HARNESS COURT Apt 101	Louis J. Rreitenother, Jr., Member (Type or Print Name)
	Baltemore MD 21208 City State Zipcode	Signature
	Attorney for Petitioner;	
	(Type or Print Name)	10817 Reisterstown Road 363-3892 Address Phone No.
ers i	•	Owings Mills, Maryland 21117
l Ĕ	Signature	City State Zipcode Name, Address and phone number of representative to be contacted.
FOR FILING		
20	Address Phone No.	Name
	Oly State Zipcode	Address Phone No.
RECEIVED	R	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Unevallable for Hearing
G.	A	the following delea Next Two Months
ORDER Date	Printed with Soybean Ink	ALL OTHER 0.36.0C
Ā a		REVIEWED BY: 15 DATE 1-23-45
		ITEM# 30

EXAMPLE 3 - Zoning Description

Three copies of the zoning description of your property are required. to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

	74
ZONING DESCRIPTION FOR 3020 SU	SANNE COURT
	(address)
	(dddress)
Beginning at a point on the WEST	
(north, south cost	side of SUSANNE COURT
Beginning at a point on the WEST (north, south, east	(name of
which is	40 to 100 100 100 100 100 100 100 100 100 10
street on which property fronts)	(number of feet of right af
wide at the distance of 1.163 +	race or trans-or-way width)
(number of facility	NORTH of the
(unimper of leet) (uo	rth, south, east or west)
centerline of the nearest improved intersecting	ortugal CACALLIA
The state of the s	SCIEBL CHROLYN COURT
	(name of street)
which is 40°	Anoune Or street)
which is 40 (number of feet of right-of-way width)	wide. *Being Lot # 9
(warmed of reet of right-or-way width)	
Block, Section # in the subdivision	as all addition to the services of the services
Block, Section # in the subdivision	or worming ton wood syde
	(name of subdivision)
as recorded in Baltimore County Plat Book # 67,	Folio # 103
1.20 Acres	
1.20 Acres . Also known as 3020 (square feet or acres)	SUSANNE COURT
and located in the 4th Election District, 3rd	(property address)
and located in the Laction District 2rd	
- District, J	Councilmanic District.
	17EN# 30
ATE ware manager !	
*If your property is not recorded by Pl.	at Book and Polio Number,
Qescription as shown instant	ock and Subdivision
The state of the case and bounds only here	medaurements and
correct location.	And our cue bigg just ye
Typical metes and bounds: N.87 12' 13' 27' 03" E.87.2 ft., S.62 19' 00" W. 318	'E. 321.1 ft 8 18
44 W3 E.87,2 ft., S.62 19 00" W. 318	Ift., and N/OB 151

W. 80 ft. to the place of beginning.

CK/RESID (TXTSOPH) REVISED 5/16/94

MICROFILMED

Towner, Maryland	ZONING DEPARTMENT OF BALTIMORE COUNTY	CEXTIFICATE OF POSTING
		46-30-11

Posted by Signature Signature Signature	Location of Signs: And	Petitioner: Michie Location of property: 30	Posted for: Vandre
Helle Litere	ocation of Signs Ferry Alet devoloped of the Fino	Potitioner: Michael & Julio Karpa Location of property: 3020 Susemm CX	1 6 MC 9
Date of return: W25/65	Location of Signs Ferra Alet developed of this Timo - Fott's wor flowtified , six a war rested on let #9.		Date of Posting 8/24/95

Batimore County, by authority of the Zoning Act and Regulations of Batimore County will food a partie hearing on the property identified hearing in Room 106 of the County Office Batimore County Office Batimore County Office Batimore Wayland (2120) of Towson Manyland (2120) of Room 118, Old Countiouse, Room 118, Old Countiouse, Towson, Manyland (2120) as follows:

Case Number: 96:30-7 (Bein 30) 3020 (Sasanne Court WS Sussanne Court 1163' N of of Caropin Court 4th Election District 3rd Councilmanic Legal Owner(S) (Worthington Woodsyde, 1110')

Contract Purchaser.
Dr. Michael and
Mierkel and
Mierkel and
Mierkel 2015/2017.
SEPTEMBER 5, 1995 at
10:00 a.m. in Pm. 118, Old
Courthouse.

Variance to use 47-foot side settle and settle and to sett

LAWBENCE E. SCHMIDT,
Zoning Commissioner for
Selection Baltimore County
NOTES: (1) Hearings are Handreapped accessible, for special
accuminodations Please Call

867-3353. W2lFor information concerning the File and/or Hearing These Call 887-3391. 8/128 August 10.

CERTIFICATE OF PUBLICATION

TOWSON, MD., __

THIS IS TO CERTIFY, that the annexed advertisement was

in Towson, Baltimore County, Md., once in each of ____ successive published in THE JEFFERSONIAN, a weekly newspaper published 10.1860 weeks, the first publication appearing on \mathcal{ULQ}_{φ}

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

!

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT 6-30-A DATE 7/25/95 ACCOUNT R-01-6150 010-VAR, REG, 50 640 AND MISCELLANEOUS 5500
RECEIVED / C KARPAL -\$ 13500
FROM:
FOR: VARIANCE & AMENDMENT TO FIDE
ANGERS SERVICE \$135.00 BY COUNTRY SERVICE \$135.00
DISTRIBUTION VALIDATION OR SIGNATURE OF CASHIER WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the dosts associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

 NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

	 - 				
For n	ewspaper	advertising:			
Item	No.:	<u>o</u>			
Petit	ioner:	Dr Michael K	CARPA		
Locat	ion:	3020 SUSANNE	OURT	, 	
PLEAS	E FORWARI	ADVERTISING BILL	TO:		
NAME:		Dr Michael KARF	γΑ		
ADDRE	SS:	2 Harness Cours	Apt 101		
		Baltimore MD	21208		
PHONE	NUMBER:	410 - 602	- 8722	1° •	A STATE

AJ:ggs

Baltimore County Government Department of Permits and Licenses



111 West Chesapeake Avenue Towson, MD 21204

887-3610

August 9, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-30-A (Item 30)

3020 Susanne Court

W/S Susanne Court, 1,163' N of c/l Carolyn Court

4th Election District - 3rd Councilmanic Legal Owner(s): Worthington Woodsyde, LLC

Contract Purchaser: Dr. Michael and Julie Karpa

HEARING: TUESDAY, SEPTEMBER 5, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to use 47-foot side setbacks instead of 50 feet and to amend the Final Development Plan.

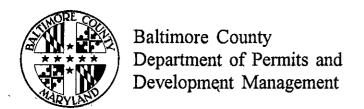
Arnold Jablon

Director

Department of Permits and Development Management

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 - (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

THE PROPERTY WAS A



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 29, 1995

Dr. and Mrs. Michael Karpa 2 Harness Court Apt 101 Baltimore, Maryland 21208

RE: Item No.: 30

Case No.: 96-30-A Petitioner: M. Karpa

Dear Dr. and Mrs. Karpa:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon,	Director, PDM	DATE:	August	11,	1995
FROM: Pat Keller,	Director, OPZ		-	*	
SUBJECT: 3020 Susa	nne Court				
INFORMATION:					
Item Number:	30				
Petitioner:	Worthington Hillside LLC				
Property Size:					
Zoning:	RC-5				
Requested Action:	Variance and FDP Amendment		·		
Hearing Date:		• • • • • • • • • • • • • • • • • • • •	i		
SUMMARY OF RECOMMEN	DATIONS:				
The applicant requeston Woodsyde.	sts a setback variance and amendmen	t to the	e FDP fo	r Wo	rthing-
Planning finds that	1BO1.3A.7.b(1) of the BCZR, the Direction the proposed amendment is in accordance rements of BCZR Article (1B) and other states of BCZR Article (1B) are states of BCZR Article (1B) and other states of BCZR Article (1B) are states of BCZR Articl	dance w	ith the	spec	ific
Prepared by:	Luy W. Long				
PK/JL	, ·				

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: August 14, 1995 TO: Zoning Administration and Development Management

FROM: PRobert W. Bowling, P.E., Chief Development Plans Review

RE: Zoning Advisory Committee Meeting

for August 14, 1995 Items 030, 031, 032, 033, 034, 035, 036, 037, 041 and 042

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB: sw

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:28(30,31,32,33,34,35,36, 37,38,39,41 AND 42.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

AUG 11 1995

cc: File

MICROFILME ZADM



David L. Winstead Secretary Hal Kassoff Administrator

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County Item No. 030

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

BS/es

My telephone number is .

MICROFILMEL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

ZADM

Joyce Watson

DATE: 8/7/95

FROM:

DEPRM

Development Coordination

SUBJECT:

Zoning Advisory Committee

Agenda: Qug. 7, 1975

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE

3020 Susanne Court, W/S Susanne Ct, 1,163'
N of c/l Carolyn Court, 4th Election
District, 3rd Councilmanic

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Legal Owner(s): Worthington Woodsyde, LLC
Contract Purchaser: Dr. Michael and Julie Karpa
Petitioners *

CASE NO. 96-30-A

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______ day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Louis J.

Breitenother, Jr., Worthington Woodsyde, LLC, 10817 Reisterstown Road, Owings Mills, MD 21117, and to Dr. Michael and Julie Karpa, 2 Harness Court, Apt. 101, Baltimore, MD 21208, Petitioners.

All the little of the second

PETER MAX ZIMMERMA

AUG 14 1995

DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

PLEASE PRINT CLEARLY

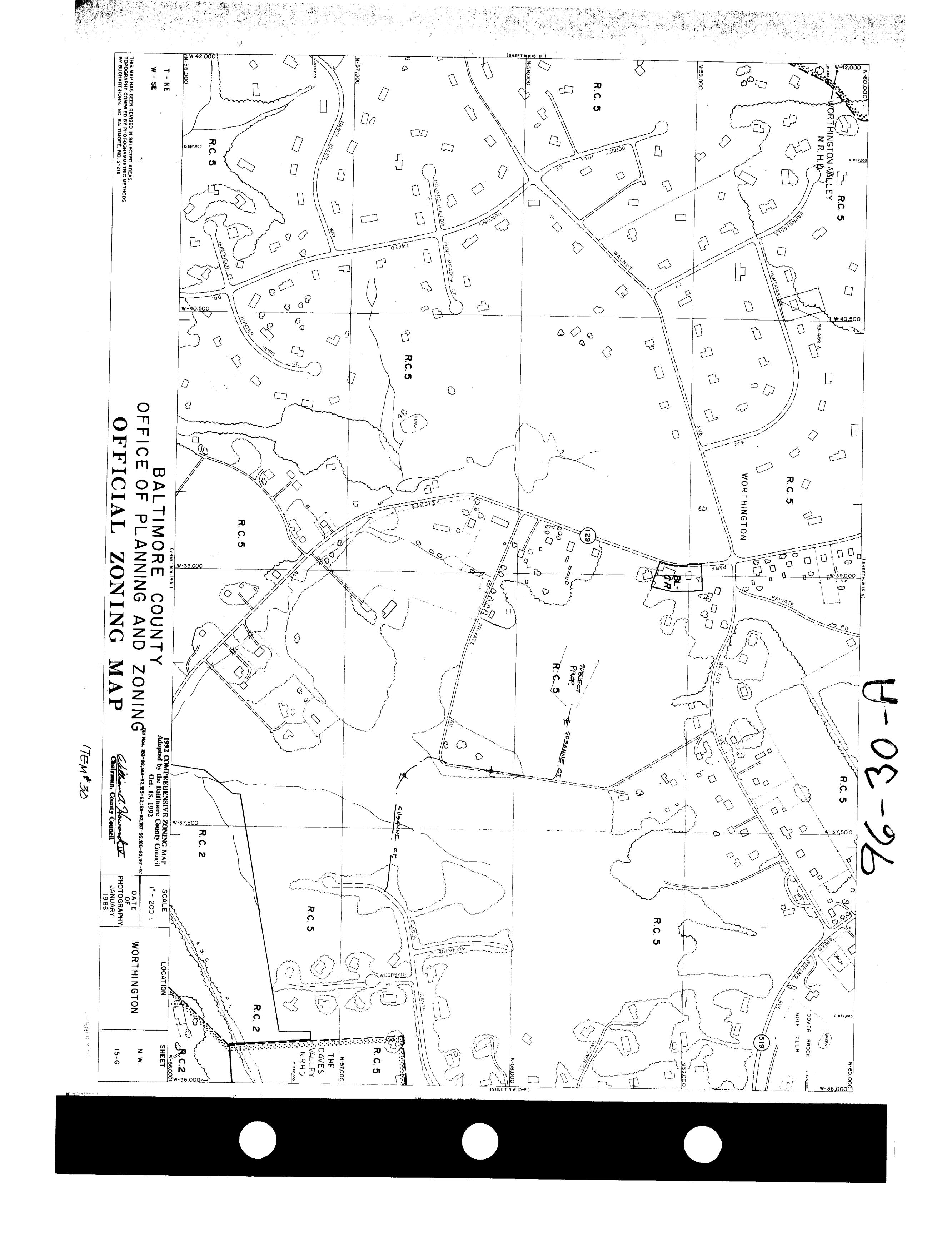
PETITIONER(S) SIGN-IN SHEET

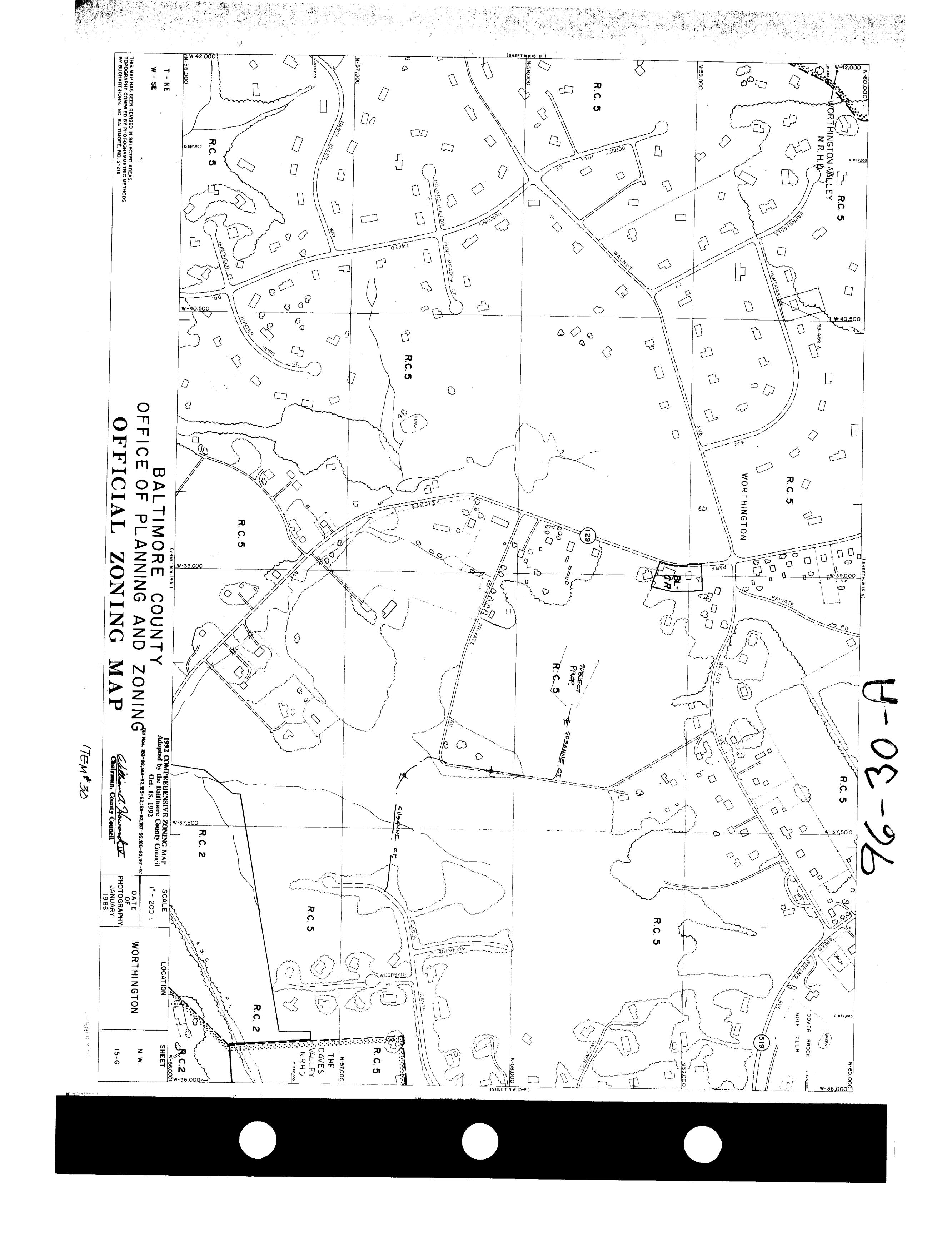
NAME TO ON	421 MONRIAN LA S.P. MD.
Ten From 6 th	ADDRESS 421 MANNEWS LA. S. P., MD. 21. 29 N Sasquehama Ave 21204 2 Harmers Court Apt 101 21208
Michael Kays ms	2 Harmers Court Apr 101 21208
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-	

prepared by: M KMPA Scale of Drawing: 1 = 100. From the Flood Plant	1 000 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1=019=1 1=018=1 1=018=1	50 S	173755 E 18 S 18	9 10 20 20 20 20 20 20 20 20 20 20 20 20 20	ZE G	3 .01.5 82.1	756 E	78.M.L 56106	NAW .	SUSANNE COURT see pages 5	ny Pet	
38	Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:	Chesapeake Bay Critical Area: 🔲 🗹 Prior Zoning Hearings: NoNE	SEWER: SE	Zoning: RC. 5 Lot size: 1:20 52,455 acreage square feet	T=200 scale map#: NW NS G	NFORMATION	Wicinity Map		SOME AND SHAPE OF THE PARTY OF	WALKUT AVE	& 6 of the CHECKLIST for additional required information	Special Hearing	ス

1 ...

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Worthington Woodsyde LLC Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case

which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land. Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore

County would result in practical difficulty or unreasonable hardship.

that the subject property is unique, unusual and different from properties

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of

- 2-

this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must

be satisfied by the Petition, as enunciated in Anderson, supra, are as

1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome:

2) whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Petitioners have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 197 day of September, 1995 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 47 feet in

- 4-

lieu of the required 50 feet and to amend the Final Development Plan for Worthington Woodsyde for a proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > ylotroco Deputy Zoning Commissioner for Baltimore County

TMK:bjs

following restrictions:

Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 19, 1995

Baltimore County Government Zoning Commissioner

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE W/S Susanne Court, 1,163' N of Carolyn Court (3020 Susanne Court) 4th Election District - 3rd Councilmanic District Worthington Woodsyde LLC - Petitioner Case No. 96-30-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

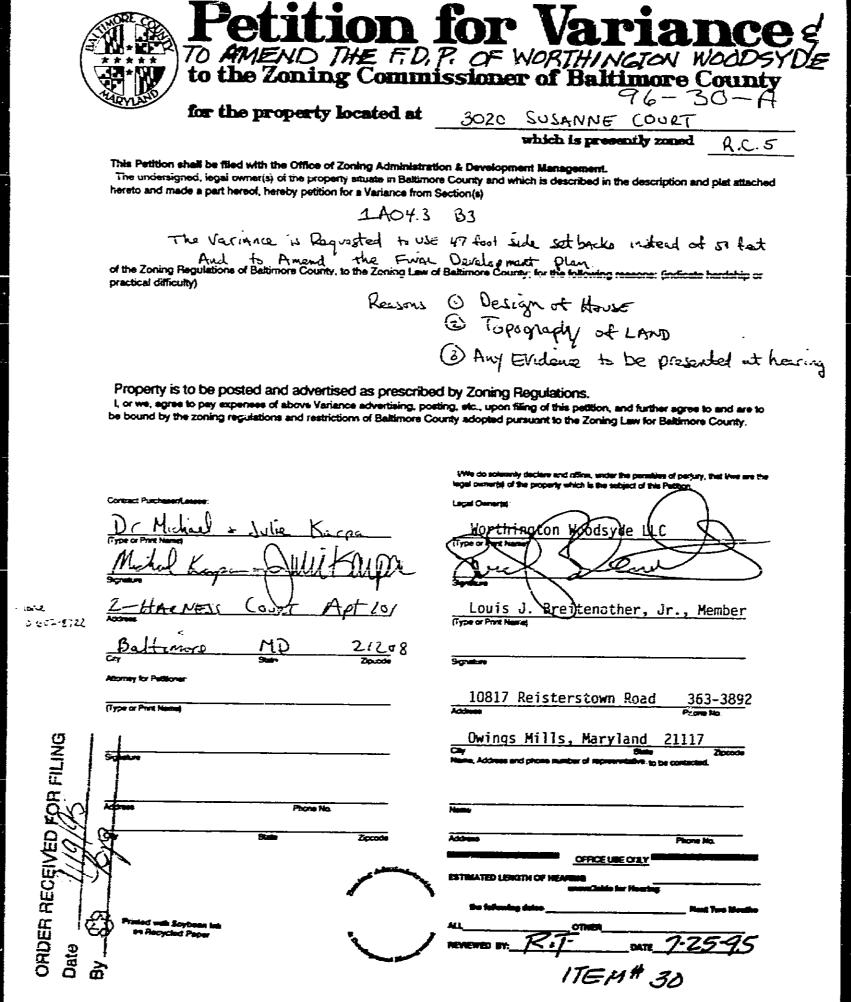
> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. Louis J. Breitenother, Jr., c/o Worthington Woodsyde LLC 10817 Reisterstown Road, Owings Mills, Md. 21117

Dr. & Mrs. Michael Karpa 2 Harness Court, Apt. 101, Baltimore, Md. 21208 Mr. Wayne Black, c/o NV Homes 421 Maureen Lane, Severna Park, Md. 21146

People's Counsel Case File

Printed with Soybean Info



EXAMPLE 3 - Zoning Description Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form: ZONING DESCRIPTION FOR 3020 SUSANNE street on which property fronts) wide at the distance of centerline of the nearest improved intersecting street (number of feet of right-of-way width) ________ in the subdivision of ______ Worthington Wood syd as recorded in Baltimore County Plat Book # 67, Folio # 103, containing and located in the 4 Election District, 3rd Councilmanic District: *If your property is not recorded by Plat Book and Folio Momber, them DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber Folio and include the measurements and directions (metes and bounds only) here and on the plat in the Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" N. 318 ft., and H.08 25' 22" W. 80 ft. to the place of beginning.

- 5-

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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland

District	Vanil	Tulio Karm	Date of Posting	[-] [] [] [] [] [] [] [] []
Posted for: _	VU YITHES			
Petitioner:	Michael to	Tulio KarAn		
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Location of S	From Art	derelop- Lot this	*1 m= - fot#	5 W27

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Case Number: 96-30-A (Item 30) 3020 Susanne Court, 1,1 N of c/I Carolyn Court 4th Election District 2nd Coursellmands 4th Election District
3rd Councilmantic
Legal Owner(s):
Worthington Woodsyde,
LLC
Contract Purchaser:
Dr. Michael and
Julie Karpa
HEARING: TUESDAY,
SEPTEMBER 5, 1995 at
10:00 a.m. in Rm. 118, Old
Courthouse. Variance: to use 47-foot side LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Hand-icapped accessible; for specia accommodations Please Cal 887-3353. (2)For informa-tion concerning the File and/or Hearing, Please Call 887-3391. 8/128 August 10.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on Aug. 10. 1925.

Development Processing

County Office Building

Towson, Maryland 21204

111 West Chesapeake Avenue

August 29, 1995

Dr. and Mrs. Michael Karpa 2 Harness Court Apt 101 Baltimore, Maryland 21208

Baltimore County

Department of Permits and

Development Management

RE: Item No.: 30 Case No.: 96-30-A Peritioner: M. Karpa

Dear Dr. and Mrs. Karpa:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 25, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

Attachment(s)

010 - VAR. RES. - 50 080 - SIGN - 35 = 640 + SENIONE - 50 = FOR: VARIANCE & AMENDMENT TO FIDIP 0260280797NICHRC \$135.00 PA CORR: 33PH07-25-95

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT 76-30-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: August 11, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 3020 Susanne Court

INFORMATION:

Item Number: Petitioner:

Worthington Hillside LLC Property Size:

Zoning:

Variance and FDP Amendment

SUMMARY OF RECOMMENDATIONS:

The applicant requests a setback variance and amendment to the FDP for Worthington Woodsyde.

Pursuant to Section 1BO1.3A.7.b(1) of the BCZR, the Director to the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CMDP.

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

_____ For newspaper advertising: Petitioner: Dr Mushael Kaspa Location: 3020 SUSABER (SURT PLEASE FORWARD ADVERTISING BILL TO: Dr Michael KARFF ADDRESS: 2 ACCES COME ACT 101 30, -1-10 MD 21203

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

FROM: Robert W. Bowling, P.E., Chief Development Plans Review

for August 14, 1995

RWB: EW

RE: Zoning Advisory Committee Meeting

the subject zoning items and we have no comments.

TO: Arnold Jablon, Director DATE: August 14, 1995 Zoning Administration and Development Management

Items 030, 031, 032, 033, 034, 035, 036, 037, 041 and 042

The Development Plans Review Division has reviewed

PHONE NUMBER: 4,5 1 392 - 3722

AJ:ggs

Baltimore County Government Department of Permits and Licenses



111 West Chesapeake Avenue Towson, MD 21204

887-3610

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public bearing on the property identified berein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-30-A (Item 30) 3020 Susanne Court W/S Susanne Court, 1,163' N of c/l Carolyn Court 4th Election District - 3rd Councilmanic Legal Owner(s): Worthington Woodsyde, LLC Contract Purchaser: Dr. Michael and Julie Karpa HEARING: TUESDAY, SEPTEMBER 5, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to use 47-foot side setbacks instead of 50 feet and to amend the Final Development Plan.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

> Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:28,30,31,32,33,34,35,36. 37,38,39,41 AND 42. 1^{2}

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

AUG 11 1995

cc: File

ZADM

Printed with Soybean Ink on Recycled Paper

ITEM30/PZONE/TXTJWL

